

### **REMARKS/ARGUMENTS**

Claims 1-25 were pending. Claims 1-2, 8-9, 11-12, and 20-25 have been canceled without prejudice. Claims 3-5, 10, 13-14, 16 and 19 have been amended. New claims 26-27 have been added to further claim applicants' invention. It is respectfully submitted that such amendments and new claims are supported by the application as originally filed, and that no new matter has been entered. Claims 3-7, 10, 13-19 and 26-27 are now pending.

#### **Election/Restriction**

The Examiner states that the application contains six patentably distinct species: Group I (claims 1, 8 and 11); Group II (claims 2, 9 and 12); Group III (claims 3-7, 10 and 13-19); Group IV (claims 20-21); Group V (claims 22-23); and Group VI (claims 24-25).

In response, the election of the species of Group III is affirmed. Claims 3-7, 10, 13-19 and 26-27 are readable thereon. Claims 1-2, 8-9, 11-12, and 20-25 have been canceled without prejudice.

#### **Claim Objections**

The Examiner objects to claims 16-19, stating that the phrase "side-slope" lacks antecedent basis in the specification.

As set forth above, claim 16 has been amended. Claim 16 now recites "a slope" instead of "the side-slope". Thus, it is respectfully submitted that claim 16 is no longer objectionable. It is respectfully submitted that claim 18, as a dependent claim, is no longer objectionable as well. (Regarding claims 17 and 19, it is respectfully submitted that they were not objectionable as originally lacking antecedent basis, as claims 17 and 19 depend from claim 14 instead of claim 16, and thus do not include the "side-slope" wording.)

#### **Drawings**

The Examiner states that FIG. 6 should include the legend "Prior Art".

As set forth above, a replacement sheet is attached that adds "Prior Art" to FIG. 6.

**Information Disclosure Statement**

The Examiner states that the listing of references in the specification is not a proper information disclosure statement.

In response, an IDS including Form PTO-1449 is included that lists the references mentioned in the specification.

**Specification**

The Examiner objects to the disclosure, stating that at least "e'y" mentioned in the specification is misspelled or not shown in the drawings.

As set forth above, the specification has been amended to correct misspellings. It is respectfully submitted that the disclosure is no longer objectionable.

**Claim Rejections under 35 U.S.C. § 103**

The Examiner rejects claims 3-4, 7 and 14-18 under 35 U.S.C. § 103 as being unpatentable over Shirai et al., U.S. Patent No. 6,532,059. The Examiner rejects claims 3-4, 7 and 14-18 under 35 U.S.C. § 103 as being unpatentable over Yokoyama, Pub. No. US 2001/0022793 A1.

As set forth above, claims 3, 14 and 16 have been amended. Claims 3, 14 and 16 now recite that the filter is shaped in a pillar-shape and that a central line of the pillar-shape is inclined by  $\alpha$  degrees that is larger than 0 degrees with regard to a central axis of the lens, and there is an angle  $\beta$  degrees above 0 degrees between the central line of the pillar-shape and of the plane of incidence, or between the central line of the pillar-shape and the plane of emission. An example can be seen in FIGS. 1 and 9-13, and in corresponding portions of the specification. In particular, revolving the pillar shape around the central axis thereof enables high-precision adjustment of the incident angle of the beam with regard to the etalon. It is respectfully submitted that Shirai et al. as understood and/or Yokoyama as understood fail to teach, indicate or suggest these features, among others.

Shirai et al., as understood, is directed toward a surveying instrument with an optical distance meter. See FIG. 3 of Shirai et al. However, Shirai et al., as understood, fails to teach, indicate or suggest that a central line of a pillar-shaped filter is inclined by  $\alpha$  degrees, and

that there is an angle  $\beta$  degrees between the central line and a plane of incidence or emission. In Shirai et al., as understood, revolving the filter around a central axis thereof does not enable high-precision adjustment of the incident angle of the beam, because revolving the filter around the central axis thereof fails to change the incident angle of the beam with regard to the filter.

Yokoyama, as understood, is directed toward a wavelength stabilized laser module with an etalon-type filter. See FIGS. 1 and 3 of Yokoyama. However, Yokoyama, as understood, fails to teach, indicate or suggest that a central line of a pillar-shaped filter is inclined by  $\alpha$  degrees, and that there is an angle  $\beta$  degrees between the central line and a plane of incidence or emission. In Yokoyama, as understood, revolving the filter around a central axis thereof does not enable high-precision adjustment of the incident angle of the beam, because revolving the filter around the central axis thereof fails to change the incident angle of the beam with regard to the filter.

Thus, it is respectfully submitted that claims 3, 14 and 16 are allowable. It is respectfully submitted that claims 4, 7, 15 and 17-18 are allowable as claims dependent from claims 3, 14 and 16, respectively, which are allowable as set forth above, among other reasons.

#### Allowable Subject Matter

The Examiner states that claims 5-6, 10, 13 and 19 would be allowable if rewritten in independent form.

As set forth above, claims 5, 10, 13 and 19 have been rewritten in independent form. Claim 6 depends from claim 5. Thus, it is respectfully submitted that claims 5-6, 10, 13 and 19 are now allowable.

#### New Claims

New claims 26-27 have been added to further claim applicants' invention. Support for claim 26 can be seen in original claim 1. Support for claim 27 can be seen in original claim 3. It is respectfully submitted that claims 26-27 are allowable as claims dependent from amended claim 3, which is allowable as set forth above, among other reasons.

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Amdt. dated March 31, 2004  
Reply to Office Action of October 3, 2003

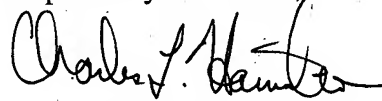
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**CONCLUSION**

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 650-326-2400.

Respectfully submitted,



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